

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BRAD AMOS,)
Plaintiff,) Case No. 3:21-cv-00923
v.) District Judge Richardson
THE LAMPO GROUP, LLC, et al,) Magistrate Judge Holmes
Defendants.) Jury Demand)

DEFENDANT'S MOTION TO ASCERTAIN STATUS

Defendants, The Lampo Group, LLC (“Lampo”) and Dave Ramsey (“Ramsey”), by and through the undersigned counsel and pursuant to Local Rule 7.01(c), move to ascertain the status of Ramsey’s Second Motion to Dismiss (Doc. #28), Lampo’s Second Motion to Dismiss (Doc. #29), and Defendants’ Objections to Memorandum Order (Doc. #66). (Doc. #72).

Matters

1. Ramsey’s Second Motion to Dismiss – Doc. #28, filed March 15, 2022

Ramsey’s Second Motion to Dismiss seeks dismissal of all claims filed against him in this case pursuant Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Ramsey filed his Second Motion to Dismiss and supporting memorandum on March 15, 2022. (Docs. #28, 29). Plaintiff filed a response and supporting documents in opposition on April 5, 2022, and April 6, 2022. (Docs. #35, 36). Ramey replied on April 12, 2022. (Doc. #38).

2. Lampo’s Second Motion to Dismiss – Doc. #30, filed March 16, 2022

Lampo’s Second Motion to Dismiss seeks dismissal of all claims filed against the company in this case pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Lampo filed its Second Motion to Dismiss and supporting memorandum on March 16, 2022. (Docs. #30, 31). Plaintiff filed a response in opposition on April 6, 2022. (Doc. #37). Ramsey replied on April 13, 2022. (Doc. #39).

3. Defendant's Objections to Memorandum Order (Doc. #66) – Doc. #72, filed

February 6, 2023

Lampo filed objections to Memorandum Order (Doc. #66) on February 6, 2023. (Doc. #72). Plaintiff filed a response on February 22, 2023. (Doc. #74).

Reason for Inquiry

Defendants' motion to ascertain the status of their Second Motions to Dismiss and Objections to Memorandum Order (Doc. #66) is prompted by the current posture of this case.

Plaintiff commenced this case on December 13, 2021. (Doc. #1). Fact discovery was originally scheduled to end on February 15, 2023 (Doc. #26) but has been extended first to April 17, 2023 (Doc. #71) and most recently to May 12, 2023. (Doc. #92). The dispositive motion deadline was originally April 14, 2023 (Doc. #26) but has been extended first to May 5, 2023 (Doc. #71) and most recently to May 19, 2023. (Doc. #92).

Ramsey and Lampo filed their Second Motions to Dismiss on March 15, 2022, and March 16, 2022, respectively. (Docs. #28, 29). Those motions were fully briefed on April 12, 2022, and April 13, 2022, respectively. (Docs. #38, 39).

In the interim, the parties have engaged in extensive written discovery. Defendants have deposed Plaintiff. Plaintiff has deposed Lampo's Rule 30(b)(6) corporate representative. During the remainder of fact discovery (currently set to end on May 12, 2023) Plaintiff intends to depose many more fact witnesses—at least nine and even more if allowed. Plaintiff has also expressed

interest in a further fact discovery extension, during which he would presumably conduct additional written discovery and depositions.

Defendants contend that their Second Motions to Dismiss are meritorious and, if granted, would completely end this case. Relatedly, Defendants have objected to Memorandum Order (Doc. #66) compelling the deposition of Ramsey because they do not believe that he should be deposed until their Second Motions to Dismiss have been resolved.¹

Defendants believe that resolution of their Second Motions to Dismiss and Objections to Memorandum Order (Doc. #66) will bring a great deal of clarity to the remainder of this case and ultimately reduce the burdens of this case upon the Court and parties.

Respectfully submitted,

/s/Daniel Crowell
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Attorneys for Defendants

¹ Alternatively, Defendants are not opposed to an even broader stay of fact discovery during the pendency of their Second Motions to Dismiss. (Doc. #72 at FN10).

CERTIFICATE OF SERVICE

I certify that, on April 26, 2023, I caused the foregoing *Defendants' Motion to Ascertain Status* to be filed via the Court's electronic filing system, which will automatically notify and send a copy of the filing to:

Jonathan A. Street
Lauren Irwin
Brandon Hall
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THE EMPLOYMENT AND CONSUMER LAW GROUP

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/s/Daniel Crowell
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